

Miller, Walker, and Salmon Basin Plan Project Management Team Meeting

Date: Thursday February 26, 2004

Time: 9:00AM – 12:00PM

Location: City of Burien Council Chambers

Meeting Summary

Attendees

Dan Bath	City of Burien
Bruce Bennett	King County
Steve Bennett	City of Normandy Park
Steve Clark	City of Burien
Dale Schroeder	City of SeaTac
Curt Crawford	King County
Roger Kuykendall	Gray & Osborne (for the City of Normandy Park)
Ed O'Brien	Ecology
Ed Abassi	Ecology
Julie Cairn	King County
Kimberly Lockard	King County Council Staff

Highlight the Discussions from the February 20, 2004 Executive Committee / PMT Meeting

Below are the key messages from the joint Executive / PMT meeting:

Estuary Project

There was no outright opposition to discussing the estuary project, but great care needs to be taken in how it is presented, including what the project scope does and does not include. It should be stressed that it is NOT the scope of the project that was discussed several years ago. The project needs to be defined in such a way that consensus can be built over time among the private property owners of the Community Club, the governments involved in the basin plan, and other members of the public.

In discussing the estuary project, the focus needs to be on the amenities that implementation of the basin plan will provide to everyone in the basin, including the Community Club (i.e., reduced flooding and erosion, improved water quality, and, hopefully, improved habitat). The estuary project is completely undefined at this time. The basin plan partners will work with the Community Club to define what the project is and when it will be implemented. It is abundantly clear to all of the basin plan partners that the private property owners of the Community Club must be fully involved and supportive of any project proposed.

Action items are highlighted

Miller Basin By-pass Line Option

The PMT briefed the Executive Committee on the technical analysis that was done on a by-pass option for Miller Creek. The Executive Committee directed the PMT to acknowledge this analysis in the basin plan report, but to remove this option from further consideration due to feasibility and implementation issues (right-of-way and outfall siting, predominantly). This option has similar costs to detention, which is probably easier to implement, and detention and regulation combined are expected to be capable of meeting the long-term flow goals for the Miller basin.

Walker Creek Headland Wetland Purchase

Kimberly Lockard from Councilmember Patterson's office reported that King County was working with Burien and Normandy Park to purchase the Walker Creek Headwater Wetland with Conservation Futures funds. The deal is well underway, and most of the required funds have already been allocated.

Normandy Park Community Club Meeting

The City of Normandy Park will take the lead in meeting with members of the Normandy Park Community Club to discuss the estuary project and the basin plan in advance of the upcoming Public Meetings (March 18 for Miller/Walker). **This meeting has been scheduled for March 3rd. Steve Bennett has been asked to report back to the PMT with the results of the meeting.**

Follow up items from the Executive Committee Meeting – City of Burien

Steve Clark reported that there had been some confusion on the part of his City Manager regarding the City Light property. If the City Light property is desirable as part of a detention project, there will need to be extensive coordination with the City of Burien Parks Director and the City Manager, because of the desire to use the site for multiple purposes that could have some conflicting requirements.

Steve Clark also mentioned his desire to work with WSDOT to increase channel infiltration by removing asphalt and concrete along SR 509 and SR 518.

Public Meeting Preparations

The PMT reviewed the flyer for the public meetings and provided feedback. **Julie will make the edits and will distribute the flyer to the PMT members for them to distribute and/or post among their organizations. Julie will be sending the flyer out via email or USPS to the participant list from the first round of public meetings.** The City of Burien developed a Press Release and submitted it the Highline Times, the Hispanic News, local libraries, the Seattle P-I South Bureau, the South County Journal, the South Seattle Times, the White Center News, and selected City of Burien staff and Elected Officials. **The City of Burien will be advertising the meetings on their cable TV channel as well. PMT members are asked to distribute this information to their managers, elected officials, and other interested parties, and to post the information for the public, as appropriate.**

Bruce discussed the idea of having focused questions to have public meeting participants respond to, either at the meeting, via the Web site, or via forms they could take away, fill

Action items are highlighted

out, and mail in. A few questions were asked at the first round of public meetings, but they were very generic, open-ended questions.

Bruce said he wanted to get the public participants to validate the basin plan goals if possible. The PMT concurred with this desire.

Conceptual Agenda for the Public Meetings:

1. Summarize the characterization work done to date
2. Summarize the work done since the last public meeting (modeling, options review, feasibility, costs)
3. Briefly overview funding options (local improvement districts, loans, bonds, grants, State or Federal funding sources, SWM Fees, private/public cost shares)
4. Go over the project list (pros/cons, costs)
5. Get feedback on the goals
6. Get other feedback

NOTE: We need to include/highlight things that we MUST do in order to meet CWA or other legislative requirements.

Bruce will repackage the materials from the Exec Comm meeting for use in the public meeting, and send them out to the PMT.

It was suggested that a basic graph (peak flows and maybe erosive work graph) would be useful to illustrate the options. Don't use the duration curve. It needs to be intuitive.

Bruce will develop this.

The PMT concurred that technical team representation is not necessary at this round of public meetings. If there are technical questions that cannot be answered at the meeting, we will get assistance from the technical staff and respond back after the meeting.

Billing Distribution

Bruce distributed the final bill for 2003 work on the basin plans. WSDOT and Burien have previous bills that have not been paid. These jurisdictions are asked to work with their finance staff to rectify any outstanding balances as well as the new bills.

Upcoming Meetings and Work Deadlines

The next PMT meeting was scheduled for next Thursday (March 4). It may be cancelled, depending on the progress on materials preparation, in which case feedback would occur via email. This is the only PMT meeting currently scheduled.

Public Meetings – 2nd Round – March 11 (Salmon) and March 18 (Miller/Walker)

PMT Members need to get feedback to Bruce **ASAP** on the three draft reports that he sent out at the end of December. There have been changes based on follow on work and Executive Committee input. Review of the drafts initially sent out is still useful, however,

Action items are highlighted

keeping that fact in mind. Bruce's current goal is to have Draft Reports for public review and feedback by mid year.

Discussion with Ecology staff - Ed O'Brien and Ed Abassi – concerning the basin plan approach, approval, etc.

Background

King County staff has provided Ed and Ed with the materials that were produced for the Executive Committee meeting. These materials had goal statements, potential projects, pros and cons, and cost information. The purpose of this meeting was to ask for any informal input Ed and Ed would be willing to offer based on their review of the materials; to allow PMT members to ask questions about the basin planning process as it relates to NPDES permit issuance and compliance; and based on a previous string of emails, to clarify requirements related to "uses".

Discussion of Uses

Ecology staff stated that the basin plans MUST show that the partners are moving toward meeting the goals and requirements of the CWA. Existing documents infer this fact, but they do not state it outright. We need to be explicit on this point. The project goals must be consistent with the statute as well.

The uses assumed to have been present in November 1975 are called the "existing uses". We need to make sure that the BIG GOAL statements acknowledge the need to "maintain and, if necessary, restore existing uses" (aka – those that existed in November 1975).

Ecology staff asked what Class these three waters are – Bruce stated they are Class A. [POST MEETING NOTE – Miller, Walker, and Salmon Creek were previously classified as Class AA. This classification, however, is no longer used. The waters are now classified as extraordinary; in each case the protections required are the highest]

Ecology staff and PMT members discussed the concepts of protective vs. restorative standards.

Ecology staff noted that the State is changing the standards to a "use based" standard. A Use Attainability Analysis may be the appropriate mechanism to clarify the uses that must be restored. This is a new approach, and we might be an early adopter of this mechanism if we choose to use it. One potential application would be to use a Use Attainability Analysis to determine whether or not restoration of all "existing uses" of Salmon Creek is required (anecdotal evidence suggests that no fish have used Salmon Creek for 20 years). Another potential application would be to examine the "existing uses" of Lake Hicks in 1975 (advisories regarding polluted water have evidently been issued by Public Health for decades). No decisions were made by the PMT as to whether this option should be pursued.

The Use Attainability Analysis has an economic feasibility component. Ed Abassi was asked to find out more on this component from the Water Quality Standard staffperson at Ecology.

Action items are highlighted

Ecology is the decision-making authority on the Use Attainability Review. If the submitter does not agree with Ecology's decision, they can appeal it to the Pollution Control Hearings Board (PCHB).

Discussion of Water Quality Inflow (specifically metals)

PMT members acknowledged that water quality data from the basins is not broadly available, and is not robust. Even with the lack of data to confirm it, it is likely that there are water quality violations in the basin. These violations have likely been present since 1975. The basin plan recommendations are expected to include baseline and ongoing monitoring. Lake Hicks is on the 303d list (for phosphorous (P) and fecal coliform (FC)).

Ecology staff comments on this issue:

It does not matter if standards were being violated in 1975. Current water quality standards must be met. The Goal for WQ needs to be stated more broadly – “achievement of applicable water quality standards”, no matter what conditions existed in 1975.

Since Lake Hicks is on the 303d list for and P and FC, the plan must address both of these. Curt discussed the idea of addressing the FC issue indirectly rather than directly, through settling of suspended solids. Other approaches to addressing the P and FC issues would include outreach and public education. The PMT agreed that a strategy of public education, plantings of native vegetation, water quality treatment facilities, water quality standards for development and re-development, and water quality monitoring would probably be applied. Ecology staff acknowledged that this approach would probably be acceptable to them, as its implementation details are probably more robust than typical TMDL language.

Ecology staff noted that the Port is doing site-specific water chemistry studies to evaluate changing the applicable water quality standards for Miller and Walker based on site-specific information. The studies include examining the impacts of different pollutants on receiving waters and fish and are intended to determine whether site-specific differences in chemistry affect the bio-availability of the pollutants. The Port representative on the PMT was not present to provide additional information. The PMT asked how compliance and liability work in cases where alternative standards are developed. Ecology staff stated that in cases where alternative standards have been developed and they are being met, the jurisdiction is deemed to be in compliance with the applicable statute.

Discussion of Basin Plan Approval Requirements/Mechanisms

PMT members wanted to better understand any formal approval process that the basin plan would have to go through with Ecology.

Ecology staff stated that their role is generally one of “concurrence” rather than “approval”. This does change, however, in terms of negotiating new NPDES permits. The need for approval/concurrence of basin plans is not specifically stated in law, but it is implied. The Phase 2 NPDES Permits will likely be the “compliance hammer”. See the Report to the Legislature (Document 04-10-010).

Action items are highlighted

As noted in the Report to the Legislature, the first round of Phase 2 permits will focus the first 5 years efforts on stopping any degradation/sliding of environmental conditions. Later year's requirements will shift the focus to improvement.

Ecology's goal is to provide a response to agencies submitting documents for concurrence within 60 – 90 days.

Ecology staff suggested we might want to have our ecologists talk to Fish and Wildlife staff about the Fish Productivity Analysis work that was done (by Mason), to see if they have any concerns or input. It would also be good to check for consistency between the basin plan goals and the Fish and Wildlife fisheries goals.

Discussion of Flow Control

Overall comment from Ecology – We must demonstrate that the flow regime goals we are recommending in the plan are consistent with the natural resource goals and protection of uses.